Appl. No. 10/709,892
Amdt. dated November 08, 2005
Reply to Office action of August 10, 2005

## REMARKS/ARGUMENTS

1. Rejection of claims 1-5 and 7-11 under 35 U.S.C. 102(b):

      Claims 1-5 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Konishi (US 5,764,751) for reasons of record.

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**Response:**

      Claim 1 has been amended to overcome this rejection. Claim 1 now contains the limitations of "starting a timer to measure a predetermined period of time when the call signal is received" and "detecting environmental volume surrounding the

10       mobile phone with the volume detector after the predetermined period of time has elapsed". Therefore, the present invention does not detect the environmental volume surrounding the mobile phone at the moment when the phone call is received, but rather after a delay of a predetermined time period after the call is received. The result of this is the mobile phone alerts the user of a phone call in a normal manner

15       unless the user has still not answered the phone call after the predetermined period of time. If the phone call is still unanswered, then the alert settings can be modified by raising the ringer volume, for example.

      On the other hand, Konishi checks the ambient volume level of the phone

20       immediately after a phone call is received. In the flowchart shown in Fig.4, Konishi teaches that when a phone call is received, the ambient noise volume is checked to see if it is greater than a predetermined value. If the ambient volume is too noisy, then the ringer volume is set at a normal volume. If the volume is not too noisy, then the ringer is turned off and the vibrating settings are activated. If the phone is still

25       not answered after a first predetermined time has elapsed, then the vibrating settings are deactivated and the ringer volume is set to a quiet volume. If a second period of time elapses, the ringer volume is then changed from the quiet volume to the normal

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volume.

In Konishi's method, the normal ringer settings are not utilized until two
different predetermined time intervals have elapsed if the noise level was initially
5       not more than the predetermined level. By this time, there is a chance that the calling
party might have already hung up the phone since the receiving party never
answered the phone.

In summary, Konishi teaches checking the ambient volume level of the phone
10      immediately after a phone call is received, and does not teach "detecting
environmental volume surrounding the mobile phone with the volume detector after
the predetermined period of time has elapsed", as is recited in the currently amended
claim 1. Since Konishi does not teach all of the limitations of claim 1, claim 1 is
patentable over Konishi. Claims 2-5, 7, and 11 are dependent on claim 1, and should
15      be allowed if claim 1 is allowed. Reconsideration of claims 1-5, 7, and 11 is
respectfully requested.

2. Rejection of claim 6 under 35 U.S.C. 103(a):

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Konishi
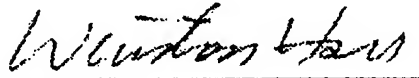20      in view of Scott (US 6,895,237) for reasons of record.

**Response:**

Claim 6 is dependent on claim 1, and should be allowed if claim 1 is allowed.
Reconsideration of claim 6 is respectfully requested.
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In view of the above statements in favor of patentability, the applicant respectfully
requests that a timely Notice of Allowance be issued in this case.

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Sincerely yours,


*Winston Hsu*                    Date: ___Nov. 08, 2005___

5    Winston Hsu, Patent Agent No. 41,526

P.O. BOX 506, Merrifield, VA 22116, U.S.A.

Voice Mail: 302-729-1562

Facsimile: 806-498-6673

e-mail : winstonhsu@naipo.com

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Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C.
is 13 hours behind the Taiwan time, i.e. 10 AM in D.C. = 9 PM in Taiwan.)

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